

REMARKS

Claims 9–18 are pending in this application. By this Amendment, paragraph [0005] of the specification is amended to change the Japanese patent references from the filing numbers to the laid-open numbers. No new matter is added. Applicants respectfully request reconsideration and prompt allowance in view of at least the following remarks.

In response to the Examiner initiated telephone conference on April 30, 2008, Applicants provisionally elected Group I, claims 9–14, 17 and 18. Applicants affirm the election, with traverse.

Applicants respectfully submit that there exists *a priori* unity of invention with respect to claims 9–18 by virtue of the claims all corresponding to the same single general inventive concept of a honeycomb structure. That the claims are drawn to both an apparatus and a method of is not proper grounds for restriction. As recited in 37 C.F.R. §1.475(b), "a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn [to] . . . (1) A product and a process specially adapted for the manufacture of said product." Thus, the current application meets the unity of invention requirement, and Applicants respectfully request withdrawal of the restriction requirement.

The courtesies extended to Applicants' representatives by Examiner Gugliotta at the personal interview held on August 22, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

The Office Action objects to Tables 1 and 2 of the specification for allegedly contradicting regarding the amount of inorganic oxide listed in Table 2. The Office Action also objects to claim 10 for allegedly not being supported by Table 2. As agreed during the interview, the amount of inorganic oxide listed in Table 2 is in agreement with the amount of

potassium silicate listed in Table 1, and claim 10 is properly supported by, for example, at least paragraph [0030] of the specification. Accordingly, Applicants consider the objections overcome.

The Office Action rejects claims 9–14, 17 and 18 under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2005/0079975 (Fujita) in view of U.S. Patent Application Publication No. 2005/0011174 (Hong). Applicants respectfully traverse the rejection.

As discussed during the interview, the Office Action fails to properly support the rejection of claim 9. Specifically, the Office Action fails to indicate the portions of the applied references that teach or suggest "wherein pores having a diameter of 0.5 μm or more of the intermediate layer occupies 25% by volume or less of the whole volume of the intermediate layer," as recited in claim 9. Rather, the Office Action merely alleges that Hong disclosing a sealing material layer 14 that may be made from a dense material or may be made from a porous material teaches or suggests the recited volume of the specified diameter pores. The Office Action appears to take Official Notice. As outlined in M.P.E.P. § 2144.03(B), general conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings cannot support an obviousness rejection. Thus, Applicants respectfully request documentation to support each and every official notice and unsupported conclusion stated within the Office Action.

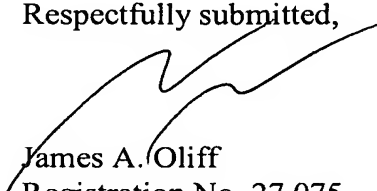
Importantly, Hong fails to disclose any benefit or "result" of the porosity in the sealing material layer 14 that may be adjusted to achieve the claimed porosity and volume. Hong does not recognize the claimed porosity and volume of the pores as being result-effective variables. Further, the specification of the current application supports that the recited ranges of the variables in the claim 9 of the diameter of the pores and the volume of the pores in the intermediate layer suppresses permeation of the catalyst slurry between the outer wall and the

bonding layer, therefore preventing the generation of cracks (Current Application at paragraphs [0022]–[0024]). Accordingly, the specification provides criticality to support the non-obviousness of the recited values in claim 9. Additionally, the references are also silent as to optimizing the recited variables to achieve any benefit. Therefore, one skilled in the art would not have been motivated to experiment with the claimed variables. Accordingly, Fujita in view of Hong fail to teach or suggest "wherein pores having a diameter of 0.5 μm or more of the intermediate layer occupies 25% by volume or less of the whole volume of the intermediate layer," as recited in claim 9. As claims 10–14, 17 and 18 depend from claim 9, Applicants respectfully request withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: September 2, 2008

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